

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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**CASE ALLEGING DENIAL BY A HOUSING PROVIDER OF A SERVICE ANIMAL AS A
REASONABLE ACCOMMODATION SETTLED FOR \$70,000**

Elk Grove – The Department of Fair Employment and Housing (DFEH) today announced that it has settled a pending case against Orchard Park Apartments arising out of a tenant's allegation that he was subjected to discrimination because he is a person with a mental disability who requires the use of a service animal.

For more than 20 years, Peter Cirillo (Cirillo) was a tenant of Orchard Park Apartments in Beaumont, California. A disabled military veteran, Cirillo suffers from Post Traumatic Stress Disorder and depression. In 1998, his physician prescribed the use of a service animal to provide him emotional support and improve his ability to function within his home-bound environment.

Cirillo contended that in 2003, he became embroiled in a dispute with the apartment complex's manager related to the process of recertifying his low-income status for the purpose of continuing his tenancy. Ultimately, he was evicted from the premises in June 2004, despite his having enlisted the Fair Housing Council of Riverside to assist him. Orchard Park Apartments maintained that it had received complaints from other residents concerning Cirillo's service dog, a pit bull terrier.

Cirillo filed a complaint with the Department of Fair Employment and Housing (DFEH) alleging that he was denied the opportunity to retain his service animal as a reasonable accommodation for his mental disability and that the eviction proceeding pressed by Orchard Park Apartments was a pretext for that discriminatory action and undertaken in retaliation for his request for accommodation. Following its investigation, the DFEH commenced administrative legal proceedings against Orchard Park Apartments claiming that it violated the Fair Employment and Housing Act by denying him a reasonable

accommodation for his mental disability and evicting him in retaliation for asserting his right to an accommodation.

With no admission of liability, Orchard Park Apartments agreed to pay Cirillo the sum of \$70,000 and provide fair housing training at its own expense for its staff for the purpose of assuring that all housing accommodations it provides are operated in full conformity with applicable laws prohibiting discrimination.

“This case serves as an excellent reminder to California housing providers that service animals are not considered ‘pets’ under the Fair Employment and Housing Act,” remarked Suzanne M. Ambrose, DFEH Director. “Housing providers have an affirmative obligation to engage in an interactive process with a tenant or prospective tenant who requests that his/her service animal be permitted to reside with him/her in the subject housing accommodation and provide that reasonable accommodation, absent a specific legal justification for not granting the request.

This case also illustrates once again the value of the DFEH’s partnership with fair housing councils throughout California, such as the Fair Housing Council of Riverside.”

The DFEH enforces laws prohibiting discrimination in employment, housing, public accommodations and acts of hate violence. Further information about the DFEH and its services may be obtained by visiting the Department’s web site at www.dfeh.ca.gov or by calling (800) 884-1684. Housing complaints may be filed by calling (800) 233-3212.